

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 05-cv-11431

Jose Rivera Jr.

v.

United States of America

CLERK'S CERTIFICATE

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 11/18/05.

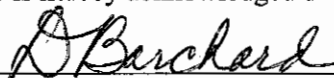
In testimony whereof, I hereunto set my hand and affix the seal of this Court on January 18, 2006.

Sarah A. Thornton, Clerk of Court

By 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 1/18/06.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-11431-DPW**

Rivera v. United States of America
Assigned to: Judge Douglas P. Woodlock
Cause: 28:2255 Motion to Vacate / Correct Illegal
Sentenc

Date Filed: 07/08/2005
Jury Demand: None
Nature of Suit: 890 Other
Statutory Actions
Jurisdiction: Federal Question

Plaintiff

Jose Rivera, Jr.

represented by **John C. McBride**
McBride and Natola
The Waterfront Building
240 Commercial Street
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.





Defendant

United States of America

represented by **Peter K. Levitt**
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617-748-3100
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text

07/08/2005	<u>1</u>	MOTION to Vacate, Set Aside or Correct Sentence (2255) , filed by Jose Rivera, Jr.(Nici, Richard) (Entered: 07/11/2005)
07/08/2005		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Nici, Richard) (Entered: 07/11/2005)
07/18/2005	<u>2</u>	Judge Douglas P. Woodlock : ORDER entered. SERVICE ORDER re 2255 Motion. Order entered pursuant to R.4 of the Rules governing Section 2255 cases for service on respondents. Answer/responsive pleading due no later than AUGUST 17, 2005.(Rynne, Michelle) (Entered: 07/18/2005)
08/02/2005	<u>3</u>	MOTION for a sentencing rehearing by Jose Rivera, Jr.(Nici, Richard) (Entered: 08/03/2005)
08/02/2005	<u>4</u>	MEMORANDUM in Support re <u>3</u> MOTION for Hearing filed by Jose Rivera, Jr. Presentence report included and not scanned. (Nici, Richard) (Entered: 08/03/2005)
08/03/2005		Judge Douglas P. Woodlock : Electronic ORDER entered. ORDER REQUIRING ELECTRONIC FILING. It is hereby ORDERED that, unless leave is granted, upon good cause shown, to file paper documents in lieu of electronic filing via this Court's CM/ECF system, ALL future submissions in this case must be electronically filed. Such filings shall be made in accordance with, and subject to, the terms and conditions of electronic filing as set forth by this Court. All parties and counsel who choose to appear in this action must make arrangements to register for participation in electronic case filing, if they have not already done so. It is FURTHER ORDERED that Notices, Orders and Memoranda of the Court will only be filed and served electronically. Once a party or counsel has registered for electronic filing, it is his/her responsibility to monitor his/her e-mail to ensure receipt of electronic notices. Any changes in e-mail addresses must be reported to the Court immediately(Nici, Richard). (Entered: 08/03/2005)
09/09/2005	<u>5</u>	MEMORANDUM in Opposition re <u>3</u> MOTION for Hearing filed by United States of America. (Nici, Richard) (Entered: 09/14/2005)
10/28/2005	<u>6</u>	Judge Douglas P. Woodlock : ORDER entered. MEMORANDUM AND ORDER. Clerk is directed to

		DISMISS this action. (Rynne, Michelle) (Entered: 10/28/2005)
10/28/2005		Judge Douglas P. Woodlock : ORDER entered. ORDER DISMISSING CASE.(Rynne, Michelle) (Entered: 10/28/2005)
11/15/2005		MOTION for Leave to Appeal in forma pauperis by Jose Rivera, Jr.(Nici, Richard) (Entered: 11/15/2005)
11/18/2005		Judge Douglas P. Woodlock : Electronic ORDER entered granting 8 Motion for Leave to Appeal in forma pauperis. Motion shall also be treated as a "Notice of Appeal". (Rynne, Michelle) (Entered: 11/18/2005)
11/18/2005		NOTICE OF APPEAL as to 7 Order Dismissing Case by Jose Rivera, Jr. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 12/8/2005. (Motion to Proceed without prepayment of Fees is treated as Notice of Appeal in accordance with this Court's ruling on motion dated 11/18/05.) (Rynne, Michelle) (Entered: 11/18/2005)